



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

**Board of Health Meeting Minutes
Wednesday, June 22, 2016
BOH Conference Room
Arlington Senior Center
5:30pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Michael Fitzpatrick

Staff in Attendance: Christine Bongiorno, Director, James Feeney, Health Compliance Officer, Natasha Waden, Health Compliance Officer, Hanna Fast, Public Health Associate, Ivy Laplante, AYHSC Director

Others in Attendance: David Ellakkis, Mystic Street Gulf; Samir Shaikh, Fenway Market; Steven Tomadakis, Float Tonic; Peter Zheng, 7 Star Grocery; Natalie Miller, 5 Community Collaborative Tobacco Control, Kristen Lake; Eugene Bensen

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

Meeting called to order by Dr. Marie Walsh Condon at 5:31 pm.

A **Motion** was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve the April 6, 2016 meeting minutes as submitted.

Vote: Motion approved unanimously (3 - 0)

Hearing: 7 Star Grocery: Tobacco/Nicotine Delivery Product Sales Violation

Natalie Miller, Tobacco Control Program Coordinator for the 5 Community Collaborative addressed the Board and stated that on Sunday, May 22, 2016 Tobacco Compliance Checks were conducted in Arlington. Natalie stated that at 12:47 pm a 17 year old male agent entered 7 Star Grocery and purchased a cigar. She had provided the 17 year old with money prior to entering the establishment, and stated if asked their age the agents may not lie. He was sold a Black & Mild cigar and was not asked to show an I.D. or asked his age.

Mr. James Feeney informed the Board that this was the 2nd violation for 7 Star Grocery within 2 years. Peter Zheng of 7 Star Grocery addressed the Board and stated that it was his mother that sold the cigar. He stated that the person who purchased the cigar looked older and dressed like an adult. He asked the Board to look at pictures on his phone, and stated he still does not believe that he was only 17 years old.

Dr. Fitzpatrick addressed Mr. Zheng and stated that it is their responsibility to not sell tobacco products to underage patrons, and he was concerned with this being a 2nd violation, and wanted to know the steps being taken to see to it that this does not happen again.

Dr. Walsh-Condon inquired if Mr. Zheng knew what the legal age was and he stated he did and that it is 21 years old. Dr. Walsh Condon also asked what the plan was moving forward.

Mr. Zheng stated after the first violation he put stickers everywhere. He stated now he will make courtesy phone calls at the start of each shift reminding people to check the age. He said perhaps now they will card anyone looking under the age of 40, which the Board agreed might be a good plan.

Mr. Kohlberg shared the seriousness of a 2nd violation and wanted Mr. Zheng to understand clearly that a 3rd violation within 3 years could result in revocation of their permit.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to implement the minimum penalty for a 2nd violation which is a 14 day suspension of tobacco and nicotine delivery product sales permit and a \$200.00 fine.

Vote: Approved Unanimously (3 – 0)

Hearing: Fenway Market: Tobacco/Nicotine Delivery Product Sales Violation

Natalie Miller, Tobacco Control Program Coordinator for the 5 Community Collaborative addressed the Board and stated that on Sunday, May 22, 2016 Tobacco Compliance Checks were conducted in Arlington. Natalie stated that at 12:56 pm a 17 year old male agent entered Fenway Market and purchased a cigar. She had provided the 17 year old with money prior to entering the establishment, and stated if asked their age the agents may not lie. He was sold a Black & Mild cigar and was not asked to show an I.D. or asked his age.

Mr. James Feeney informed the Board that this was the 1st violation for Fenway Market since the new regulations were adopted. Mr. Samir Shaikh apologized for the sale and explained he works every day and on that particular Sunday a cousin came in from India and didn't understand fully about the tobacco regulations. Moving forward he will make sure that anyone working is fully educated regarding the tobacco regulations.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to implement the minimum penalty for a 1st violation which is a 7 day suspension of tobacco and nicotine delivery product sales permit and a \$100.00 fine.

Vote: Approved Unanimously (3 – 0)

Hearing: Mystic Street Gulf: Tobacco/Nicotine Delivery Product Sales Violation

Natalie Miller, Tobacco Control Program Coordinator for the 5 Community Collaborative addressed the Board and stated that on Sunday, May 22, 2016 Tobacco Compliance Checks were conducted in Arlington. Natalie stated that at 12:13 pm a 17 year old male agent entered Mystic Street Gulf and purchased a package of Marlboro Red cigarettes. She had provided the 17 year old with money prior to entering the establishment, and stated if asked their age the agents may not lie. He was sold a package of Marlboro Red cigarettes and was not asked to show an I.D. or asked his age.

Mr. James Feeney informed the Board that this was the 1st violation for Mystic Street Gulf since the new regulations were adopted. Mr. David Ellakkis apologized for the sale and explained that the employee who made the sale was new and had only been working a couple of weeks. He further stated that on this Sunday he was the only one running the gas pumps as well as the store, and may have become overwhelmed and forgot to check. Mr. Ellakkis stated his brother Michael runs the day-to-day operations of this particular establishment, but was unable to attend the hearing. Moving forward he will make sure that anyone working is fully educated regarding the tobacco regulations. Dr. Fitzpatrick stated that it is his recollection that his brother Michael, has been before the Board before, and that he recommends Michael is aware of the seriousness of this violation, and hopes he takes seriously the education of all employees.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to implement the minimum penalty for a 1st violation which is a 7 day suspension of tobacco and nicotine delivery product sales permit and a \$100.00 fine.

Vote: Approved Unanimously (3 – 0)

Hearing: Variance Request: Minimum Standards for Swimming Pools: Float Tonic LLC

Mr. Steven Tomadakis, proprietor of Float Tonic LLC, addressed the Board to request 4 variances from the Swimming Pool Code (105 CMR 435.00 Minimum Standards for Swimming Pools) for a new float tank therapy spa business he is interested in opening in Arlington. Mr. Tomadakis began his presentation by showing the Board two videos explaining about the business, and the benefits of float tank therapy. He presented the Board with schematics of the filtrations system for the proposed float tanks, floor plan layouts, as well as his proposed business plans.

Additional Information:

- Insurance Policies have already been secured (through a National Agency) experienced in float tank spa facilities;
- All employees will be trained in CPR;
- A Certified Pool Operator (CPO) will be in charge of maintenance of the float tanks and filtration systems;
- Each unit is not hard-plumbed, and is drained using a pump process, and filled with a hose;
- There will be a main supply line in each room;
- Each unit is purchased complete, and then installed;
- Each tank has its own processing/filtration unit @ a flow rate 50 – 75 gallons/minute;
- Water will be filled with hose from wall mounted spicket where showers are, with back flow preventer and air gap;

- Once pumped, waste water will be disposed of in accordance with MWRA procedures; and
- Once per week a thorough cleaning of all the tanks will be done.

Mr. Tomadakis requested the following variances

The 1st variance request is regarding code 105 CMR 435.22: Health Regulations; Signs.

(4) The operator of special purpose pools shall include on the sign required in 105 CMR 435.22(3) the following warnings: (e) Observe a reasonable time limits (e.g., ten minutes), then shower, cool down, and if you wish, return for another brief stay. Long exposure may result in nausea, dizziness or fainting.

The variance request is to not require a warning sign regarding 10 minute time limits. The reason for the variance request is that floatation sessions are scheduled for a length of 90 minutes per session. In Float tanks, temperatures are not to exceed 95°F with a steady range of 93-95°F at all times which is below human body temperatures. Under the code, typical special purpose pool temperatures are not to exceed 104°F which is higher than human body temperatures which could potentially cause a health risk for extended exposure. That is not the case with float tank temperatures which do not exceed 95°F.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to grant the variance request, conditional upon Mass Department of Public Health (MDPH) Approval, under 105 CMR 435.22 (4) (e) to not require a warning sign regarding 10 minute time limits.

Vote: Approved Unanimously (3-0)

The 2nd variance request also under 105 CMR 435.22

(5) The operator of special purpose pools shall provide a permanently mounted clock, with a large dial, located as to be easily readable by bathers at the pool.

The requested variance is to not require a permanently mounted clock in each float tank room. The reason for the variance request is that while a client is experiencing a floating session, they will have limited or low visibility as the room is absent or low of light and a mounted clock will not be visible under these conditions. Smaller clocks may be used at each float tank or music will gently gesture to the user that the session is over and it is time to leave the tank.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to grant the variance request, conditional upon MDPH Approval, under 105 CMR 435.22 (5) to not require a permanently mounted clock in each float tank unit.

Vote: Approved Unanimously (3-0)

The 3rd variance request is under 105 CMR 435.29: Chemical Standards. (1) Swimming, wading and special purpose pool water shall be treated in accordance with the following tables of:

Type of Disinfection	pH	Alkalinity (ppm) (mg/l)	Residual (ppm) (mg/l)
Chlorine	7.2-7.8	50 – 150	1.0 – 3.0 Free 0.0 – 0.2 Combined
Bromine	7.2-7.8	50 – 150	2.0 – 6.0

Other equally effective disinfectants registered with the United States Environmental Protection Agency as an approved disinfectant, may be used as a substitute for chlorine and bromine, subject to the approval of the local Board of Health.

The variance request to the Board is to approve a UV/H₂O₂ system (which is an advanced oxidation process) that is used in float pools centers throughout the U.S. Mr. Tomadakis explained the process in detail and provided materials to support this request to the Board. Mr. Tomadakis stated that water quality samples will be tested by a third party water quality testing lab every two weeks for the first 6 months until a record is established and then will change to less frequent testing schedule of once every 90 days thereafter.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to grant the variance request, conditional upon MDPH Approval, under 105 CMR 435.22 (5) to treat the float tank water with a UV/H₂O₂ system as proposed.

Amendment: Dr. Marie Walsh Condon made the amendment that third party water quality testing must be conducted every two weeks for the first 6 months, and every 30 days thereafter. This amendment was seconded by Mr. Kenneth Kohlberg.

Vote: Motion and Amendment Approved Unanimously (3-0)

The 4th variance request is under 105 CMR 435.32 Water Quality Maintenance

- (1) Clarity and cleanliness of the water in a swimming, wading, or special purpose pool shall be maintained by a continuous recirculation of the water through an appropriate filtration system approved by the Board of Health. The following minimum turnover rates shall be maintained: (c) special purpose pools – once every ½ hour.

The variance request is to allow the filtration system to be turned off during the 90 minutes float sessions. The float sessions require 90 minutes of uninterrupted floating to benefit the session. Turnover rate must allow a minimum of three to six turnovers between each patron. The filtration system will run during the 30 minutes between each session. Within that timeframe, standard float pod pumps will cycle the water solution rated at 36 gallons per minute constituting an average turnover every 6 minutes of the total 200 gallons, or three turnovers

every 18 minutes. A 50 gallon per minute pump may also be used and will turn the 200 gallon water solution over once in 4 minutes, or three times in 12 minutes.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to allow the filtration system to be turned off during float sessions for 90 minutes, but the Board requires a filtration system with a turnover rate of 50 – 75 gallons per minute to achieve desired turnover rate in between sessions. This variance is conditional upon MDPH Approval.

Vote: Motion and Amendment Approved Unanimously (3-0)

Hearing: Adoption of Regulation Restricting the Sale of Medical Marijuana

Mr. James Feeney provided the Board with one clean copy of the proposed regulations and an additional copy that tracked the most recent changes. The Board expressed their appreciation for all the work that went into the regulations and all agreed the regulations are well structured and incorporated the desired edits.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to accept and adopt the Regulations Restricting the Sale of Medical Marijuana.

Vote: Approved Unanimously (3 – 0)

A hard copy of the regulations was signed by the Board.

Coalition Updates

Ms. Ivy Laplante, Director of the Arlington Youth Health & Safety Coalition addressed the Board who provided an update regarding the presentation by Student Club 84 on tobacco prevention on e-Cigarettes. In April 2016, student club members of Club 84 administered a survey to their classmates during homeroom at Arlington High School. Out of the 1,200 students 1,065 took the Youth Risk Behavior Survey (YRBS), and 910 answered the survey questions on e-Cigarettes. Student members analyzed the results and reported their peers were still confused as to what is inside an e-cigarette. On the Club 84 e-cigarette survey, 18.5% of students reported ever using an e-cigarette, compared to 14% who reported lifetime use of an e-cigarette on the AHS YRBS in January 2016. The youth fully learned the value of research during this project. The Board was very impressed with the work the students have done, and thanks the Coalition for always keeping youth in-mind. Ms. Laplante thanked the Board for their support.

Environmental Updates:

Ms. Bongiorno informed the Board there have been many temporary and permanent staffing changes at the Board of Health.

- The Arlington Board of Health Public Health Nurse, Kara Katz, resigned and the position has been posted. There are several good candidates who applied for the position. Mr. Mark Waksmonski, COA Nurse has been filling as BOH Nurse until the position has been filled.
- Mr. Jim Feeney, is currently the Interim Recreation Director, whereas former Recreation Director, Joe Connelly, has accepted a position in the Town of Andover.
- Ms. Patti Sawtelle, Project Manager for the BOH is working with the I.T Department on the MUNIS upgrade.
- Ms. Colleen Tremblay, BOH P/T Administrative Assistant took a full-time position at the Comptroller Department, and Laura Munsey has accepted the position as the new BOH Administrative Assistant. Due to the recent staffing changes, the Town Manager approved this BOH position as full time.

Ms. Natasha Waden informed the Board that the office continues to receive reports/complaints of rodent activity in Arlington. The Board of Health staff is looking at additional processes to minimize rodent activity including the use of dry ice in burrows, which has been reported as a non-toxic, inexpensive, and highly effective method of rodent control. Ms. Waden is working with Environmental Health Services, Animal Control and DPW.

Restaurant Updates

- Tryst is looking to sell/change ownership.
- Local Fare has submitted a plan review for 2 Lake Street. This will be a specialty food store and collaborative kitchen space from three separate founders including Nutty Life, Kitchen Mille, and Boston Bonbon.
- Otto Pizza has submitted a plan review to open at 202 Mass Ave.
- La Famiglia has submitted a plan review and is looking at the Nicola location at 1215 Mass Ave.

Public Health Nurse Updates

Whereas Ms. Kara Katz, Public Health Nurse resigned, Mr. Mark Waksmonski, COA Nurse has been filling in as BOH Nurse until the position has been filled.

Public Comment

None

Other:

Ms. Christine Bongiorno, on behalf of the Community, the Board Members, and staff of the Arlington Board of Health, expressed gratitude and thanks to Dr. Michael Fitzpatrick for his 12 years of distinguished service on the Board. An award clock and certificate were presented to Dr. Fitzpatrick, who will be missed. Ms. Bongiorno informed the Board many applications have been received and interviews are taking place to fill the Board of Health vacancy.

Meeting was adjourned at 7:35 pm.